

REMARKS

Claims 31-35, 38, and 39 are pending in this application. By this Reply, claims 31 and 35 have been amended, and new claims 38 and 39 have been added. No new matter has been added. Prompt examination and allowance of this application are respectfully requested.

In the Office Action, the Examiner rejected claims 31-35 under 35 U.S.C. § 103(a) over U.S. Patent No. 6,019,250 to Pozniak et al. ("Pozniak") in view of U.S. Patent No. 5,407,526 to Danielson et al. ("Danielson"). Applicants respectfully traverse this rejection.

Pozniak and Danielson, alone or in combination, do not disclose or suggest the features of independent claim 31. For example, Pozniak does not disclose or suggest mixing discharged precise doses of selected liquid components to form a predetermined liquid mixture proximate a point of use of said mixture. Indeed, the Examiner agrees that "Pozniak fails to teach a mixing step." See Office Action, page 3. The Examiner asserts that Danielson discloses a chemical mechanical polishing slurry delivery and mixing system, and that it would have been obvious "to use the mixing step of Danielson in the slurry delivery system of Pozniak." Applicants disagree and submit that the Examiner's suggested combination of the mixing apparatus of Danielson with the slurry delivery system of Pozniak would change the principle of operation of Pozniak and render Pozniak unsatisfactory for its intended purpose.

As set forth in Section 2143.01 of the M.P.E.P., "[i]f a proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to

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render the claims *prima facie* obvious.” See, e.g., *In re Ratti*, 270 F.2d 810, 123 U.S.P.Q. 349 (C.C.P.A. 1959). Section 2143.01 also states that “[i]f proposed modification would render the prior art being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.” See, e.g., *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Pozniak discloses an apparatus for dispensing chemical liquids where components of a liquid mixture are mixed prior to entering pressure vessels 10, 12, 14, which are not proximate points of use 2, 3. Instead, the mixtures must travel through a liquid distribution system 16 having a flow circuit 18 before reaching the points of use. Therefore, liquid components of the mixture are not mixed proximate a point of use, as recited in claim 1. Further, liquid pressures are sensed within the flow circuit 18 so that pressure within the pressure vessels 10, 12, 14 can be adjusted to remain substantially constant. Moreover, the flow circuit 18 controls the flow of liquid in the dispense, return, and fill modes of the pressure vessels 10, 12, 14. See, e.g., Pozniak, col. 3, lines 46-51, col. 7, lines 17-21 and 58-62.

If Pozniak were modified to include the mixing step of Danielson proximate the points of use 2, 3, the operation of the flow circuit 18 would be rendered unsatisfactory for its intended purpose and the principle of operation of Pozniak would be changed. That is, if the flow circuit 18 were not positioned between the vessels 10, 12, 14 and the points of use 2, 3, the flow circuit would not be able to control pressure within the vessels or the flow of liquid in the dispense, return, and fill modes of the pressure vessels. If the flow circuit 18 would not be able to control pressure within the vessels 10, 12, 14 or the flow of liquid in the dispense, return, and fill modes of the pressure

vessels, then the principle of operation of Pozniak would be changed. Therefore, in the present situation, combining the mixing step of Danielson with the slurry delivery system of Pozniak would change the principle of operation of Pozniak and render Pozniak unsatisfactory for its intended purpose.

Accordingly, Applicants respectfully request that the § 103(a) rejection of independent claim 31 be withdrawn. Since claims 32-35, 38, and 39 depend from claim 31, those claims are allowable for at least the same reasons claim 31 is allowable.

If the Examiner would like to discuss any aspect related to this application, Applicants invite the Examiner to call Applicants' undersigned attorney at 202-408-4252.

The Office Action contains characterizations of the invention and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

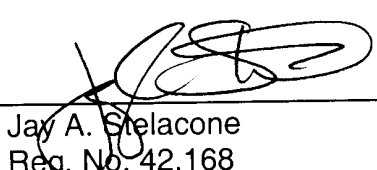
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: _____


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